

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MARCH 4, 2008

The following is a summary of the March 4, 2008 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Mr., Buchanan did not return to the meeting following closed session because of a prior engagement. All Board members were present and quorum was made. Also present were George "Bo" Willis, Director of DMME, Benny R. Wampler, DMME Deputy Director, Sharon Pigeon, Senior Assistant Attorney General, Mary Gibson, Regulatory Boards Administrator and Carroll Green, DM Inspector Supervisor.**
- II. Opening statement delivered by Frank Linkous, Chairman**
- III. Motions made and seconded to accept March 4, 2008 meeting agenda and approve February 5, 2008 meeting summary. All members were in favor to approve.**
- IV. Informal Fact Finding Allegations provided by DM Inspector Supervisor Carroll Green of New Business/Traditional Case Matter**

After presentation of the allegations, the individual agreed to surrender all certifications to the Regulatory Boards Administrator that he currently holds. Action upheld by the Board with resulting revocation of all certifications granted by BCME.

V. Review of Virginia Substance Abuse Cases (Closed Session)

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VI. Open Agenda

Discussion was had regarding Jerry Salyer. Following receipt of letter from opposing counsel, Salyer has agreed to surrender all certifications to Division of Mines and the ongoing litigation before the ALJ has been cancelled. The Board voted to revoke all BCME certifications held by Jerry Salyer.

Discussion was had regarding Bates Contractors, Inc. and substance abuse violations occurring with the contractor service. Bates is to be contacted to appear before the Board at the next scheduled Board hearing to address these concerns.

Discussion was had regarding drafting of policy, procedures, rules and regulations for the Substance Abuse matters. Also, discussions related to recent requests for training and certification of non-english speaking miners was undertaken with agreement to continue with current Board policies regarding this matter.

VII. Adjournment at 2:00 PM